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EASTERN

F.O.
371

1947

PALESTINE

File No. 4957

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Reference:-

FO 371 / 61930

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UNTIL

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E 4957

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PALESTINE

Registry Number } E4957/4957/31
 FROM } I Hightam
 No. } 60
 Dated } 75005-1/31/47
 Received in Registry } 4 June 1947
 " " " " " " " "

BEISAN - SAMAKH ROAD.
 A number of proposals have been put forward for a road to be built SAMAKH - ISR NIZANIM ROAD, which would bypass that portion of BEISAN - SAMAKH road which runs through Transjordan territory.

Last Paper.

References.

(Print.)

61930

(How disposed of.)

~~opt. Hightam~~
 ED.
 from in freshell
 ✓ July 9
 of Russell Edwards
 ✓ July 9

9) ~~Supp (Berries)~~
 Amman no. 119
 ✓ July 9

(Action completed.)

[Signature]

(Index)

[Signature]

Next Paper.

(Minutes.)

The Trade of Amman would certainly appear to permit the use of the road for military purposes.

I suggest that we should agree to Mr. Hightam's proposal that the Palestine Govt. should take this in direct and submit draft accordingly.

[Signature]
 (J.E. CABRE)
 12/6

B.S. Beint
 June 12

- The Trans Jordan Government
 - reserves the right to close the portion of the Beisan - Samakh road which runs through Trans Jordan territory, should events take place necessitating that step;
 - intends to apply customs and passport formalities to all traffic.
- As regards (a), I should think that the events which the T-J Gov. have in mind are serious civil disorders in Palestine. Article 9 2. of the Treaty of Alliance provides that, until the conclusion of a Commercial and Establishment Agreement between the U.K. and T-J or until the 22nd March 1948 whichever is the earlier, each High Contracting Party will maintain in relation to the

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nationals and commerce of the other the regime
 applying at the date of signature of the Treaty.
 This provision, so long as it remains applicable,
 might be invoked against the closing of the road
 except I think in cases when the Government of
 T-9 could justify it on grounds of self-protection
 e.g. in the event of serious disorders in Palestine.
 In such event they might also maintain that
 Article 2 of the Annex does not apply, arguing that
 it must be read with Articles 5 & 6 of the Treaty
 and that therefore T-9 is only obliged to grant
 the facilities prescribed in Article 2 ^{of the Annex} in so far as
 they are necessary to facilitate the discharge of
 the mutual obligations under Article 5 of the Treaty.
 Whether the facilities to be granted under Article 2
 of the Annex extend to the Palestine Police depends
 entirely on whether the latter have the status of
 "armed forces of H.M. The King".

3. As regards (b), again it seems to me that
 Article 9 2. might be invoked. "Nationals" in
 Article 9 2. would in my opinion, by virtue of
 Article 9 3., include Palestinian nationals.

W.V.J. Evans
 W.V.J. EVANS
 17 June 1947

WVJ 4/7

In P.P. 10-td 1536 14/7.

Mr. J. Bevin
 Aug 21

WVJ
 21/8

(b) entitled the movement of
 H.M. armed forces etc in
 T-9. for the suppression of
 internal disorders in Palestine

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I.
P.
G.

FOREIGN OFFICE, S.W.1.

June, 1947.

Draft.

J. Higham Esq.,
Colonial Office

from

Mr. Garran

As Greenhill is on leave, I am replying to your letter No. 75005/1/31/47 of 9th June about the Beisan-Samakh Road.

We agree that the Government of Palestine should take the question of the use of this road up with the Government of Transjordan direct through the Legation at Amman.

It is not clear from the correspondence on what grounds the Transjordan Government might close this section of the road nor, indeed, how serious is their intention to do so. Nor is it stated what steps have been taken so far to discuss the question with the Transjordan Government.

Copy to:

Mr. Russell
Edmonds,
Treasury

Copy corres.:

Amman

As regards the Treaty point, it is surely at least arguable that the Palestine Police Forces are part of the "armed forces of His Majesty The King" for the purposes of the Treaty

I am sending a copy of this letter to Russell Edmonds at the Treasury and am copying the correspondence to Amman.

NOTHING TO BE WRITTEN IN THIS MARGIN.

*See minute
Mr. Higham Esq.
first
RR
10/6*

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Our Ref: 75005/1/31/47.
Treasury Ref: IF 48/01.

E 4857
11 JUN 1947

Colonial Office,
Downing Street,
S.W.1.

9. June, 1947.

Dear Greenhill,

I enclose copies of self-explanatory correspondence on the subject of the Beisan-Samakh road. I agree with Russell Edmunds' point about the treaty, but this would only cover the use of the road by His Majesty's Forces and not by the Police or civilians. We could, of course, bring out this reference to the Treaty in our reply to Palestine.

Would you advise taking this up with Amman direct from the Foreign Office or do you think it would be better to leave this to be settled between Jerusalem and Amman. I should prefer the latter approach in the first instance, particularly if the Treasury were content to let us give Palestine conditional authority for starting the road in view of the importance of completing work before the beginning of the rains.

I am sending a copy of this to Russell Edmunds.

Yours sincerely,

John D. Higham

(J.D. Higham)

D. GREENHILL, ESQ.

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Copy.

75005/1/31/47.

Colonial Office,
Downing Street,
'S.W.1.

29th May, 1947.

Dear Russell Edmunds,

I enclose a copy of Palestine Savingram 426 requesting the approval of the expenditure of £P.65,000 for the building of a new road from Samakh to Jisr Majamie which will by-pass that part of the Beisan - Samakh road which runs through Trans-Jordan.

The letter sets out the case in favour of this new road quite clearly, and I should be glad to have your decision as soon as possible because of the necessity to complete the road before the beginning of the winter rains.

We assume that the Palestine Government have decided that it is not practicable to reach an agreement with Trans-Jordan ensuring the free use of the road, but we propose that approval of this work should be conditional on Jerusalem giving satisfactory assurances on the above point and confirming that His Majesty's Minister Amman agrees that no useful purpose would be served by making representations to the Trans-Jordan Government. I should have thought that if we made known our intention to construct a new road the Trans-Jordan Government would see there was little point in being obstinate.

Yours sincerely,

(J.D. Higham)

W. RUSSELL EDMUNDS, ESQ.

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7. Clear.

TC/13/46

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SAVING,

From the High Commissioner for Palestine.

To the Secretary of State for the Colonies.

Date... 17th April 1947.

No..... 426..... Saving.

Public Works Extraordinary - Roads and Bridges.

Provision has been made in the 1947-1948 Draft Estimates under Public Work Extraordinary for the construction of a new road, the Samakh - Jisr Majemie Road - Diversion at a cost of LP. 65,000 in order to by-pass that portion of the Beisan - Samakh road which runs through the territory of Trans-Jordan.

2. The Trans-Jordan Government has advised that as from the 1st October next they reserve the right to close this section of the road at any time should events take place which necessitate that step. The Trans-Jordan Government also intend to construct frontier posts where the road enters and leaves Trans-Jordan territory, and to apply customs and passport formalities to all traffic.

3. The Beisan-Samakh road is important as it serves agricultural and local security needs and is a link in one of the north-south road arteries of Palestine. The effect of the decision by the Government of Trans-Jordan will lead to considerable inconvenience and delay both to members of this Government travelling on duty and to the public who use this road. There is also the possibility that should the closure of this road be extended to Palestine's security forces the position might be serious in the security and administrative aspects.

4. I have to request your approval of this expenditure in advance of approval of the estimates generally to enable the road diversion to be completed before the 1st October 1947.

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I.
P.
G.

Draft
J. Higham, Esq.,
Colonial Office

from
J.A.
Mr. Greenhill

Copy to:

Mr. Russell Edmonds,
Treasury.

Copy correspondence
Amman.

Mr. Evans first

OUT FILE

FOREIGN OFFICE,

Dear Higham, 9th July, 1947.

With reference to your letter
No. 75005/1/31/47 of 9th June about the
Beisan-Samakh Road, we agree that the
Govt. of Palestine should take the
question of the use of this road up
with the Govt. of Transjordan direct
through the Legation at Amman.

We see from the correspondence
that the Transjordan Govt.

- (a) reserves the right to close the
portion of the Beisan-Samakh Road
which runs through Transjordan
territory, should events take place
necessitating that step, and
(b) intends to apply customs and passport
formalities to all traffic.

As regards (a), ~~it is assumed that~~
presumably
the events which the Transjordan Govt.
have in mind are serious civil dis-
orders in Palestine. Art. 9 para. 2 of the
Transjordan
Treaty of Alliance provides that, until the
conclusion of a Commercial and Establish-
ment Agreement between the U.K. and
Transjordan/

NOTHING TO BE WRITTEN IN THIS MARGIN.

3149 Wt. 26469/137 100m 9/46 (51) F.&S.

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Transjordan, or until the 22nd March 1948, whichever is the earlier, each High Contracting Party will maintain in relation to the nationals and commercial of the other the regime applying at the date of signature of the Treaty. This provision, so long as it remains applicable, might be invoked against the closing of the road, except possibly in cases when the Govt. of Transjordan could justify ^{closing the road} on grounds of self protection, e.g. in the event of serious disorders in Palestine. In such event they might also maintain ^{Art. 2 of the Treaty} that Art. 2 of the Annex ^{Art. 2 of the Annex} does not apply to entitle the movement of H.M. Armed Forces etc in Transjordan for the suppression of internal disorder in Palestine, arguing that ^{Art. 2 of the Annex} must be read in conjunction with Arts 5 and 6 of the Treaty and that therefore Transjordan is only obliged to grant the facilities prescribed in Art. 2 of the Annex insofar as they are necessary to facilitate the discharge of the mutual obligations under Art. 5 of the Treaty. Whether the facilities/

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*I think this is
right
WGE*

facilities to be granted under Art.2 of the
Annex extend to the Palestine Police depends
on whether the latter have the status of

"Armed Forces" of H.M. The King".
would

As regards (b) it/seems once again
that Art.9 para.2/might be invoked. The
of the Treaty
term "nationals" in Art.9 para.2 would
seem, by virtue of Art.9 para.3, to
include Palestinian nationals.

I realise, however, that these ~~Treaty~~
based on Art.9 para.2 of the Treaty
arguments will only take us, in any case,
up to March of next year. The Legation at
Amman will ^{no doubt} consider what more general
arrangements can be made with the Transjordan
Govt.

I am sending a copy of this letter to
Russell Edmonds at the Treasury and am
copying the correspondence to Amman.

WGE 24/7
Yours sincerely

(Sgd.) Denis Greenhill.

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OUT FILE

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FOREIGN OFFICE, S.W. 1.

(E 4957/4957/31)

9th July, 1947.

Dear Higham,

With reference to your letter No. 75005/1/31/47 of 9th June about the Beisan-Samak Road, we agree that the Government of Palestine should take the question of the use of this road up with the Government of Transjordan direct through the Legation at Amman.

We see from the correspondence that the Transjordan Government

- (a) reserves the right to close the portion of the Beisan-Samak Road which runs through Transjordan territory, should events take place necessitating that step, and
- (b) intends to apply customs and passport formalities to all traffic.

As regards (a), presumably the events which the Transjordan Government have in mind are serious civil disorders in Palestine. Article 9 paragraph 2 of the Transjordan Treaty of Alliance provides that, until the conclusion of a Commercial and Establishment Agreement between the United Kingdom and Transjordan, or until the 22nd March 1948, which ever is the earlier, each High Contracting Party will maintain in relation to the nationals and commerce of the other the regime applying at the date of signature of the Treaty. This provision, so long as it remains applicable, might be invoked against the closing of the road, except possibly in

cases/

J.D. Higham, Esq.,
Colonial Office.

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cases when the Government of Transjordan could justify closing the road on grounds of self protection, e.g. in the event of serious disorders in Palestine. In such event they might also maintain that Article 2 of the Annex to the Treaty does not apply to entitle the movement of His Majesty's Armed Forces etc. in Transjordan for the suppression of internal disorder in Palestine, arguing that Article 2 of the Annex must be read in conjunction with Articles 5 and 6 of the Treaty and that therefore Transjordan is only obliged to grant the facilities prescribed in Article 2 of the Annex insofar as they are necessary to facilitate the discharge of the mutual obligations under Article 5 of the Treaty. Whether the facilities to be granted under Article 2 of the Annex extend to the Palestine Police depends on whether the latter have the status of "Armed Forces" of His Majesty The King".

As regards (b) it would seem once again that Article 9 paragraph 2 of the Treaty might be invoked. The term "nationals" in Article 9 paragraph 2 would seem, by virtue of Article 9 paragraph 3, to include Palestinian nationals.

I realise, however, that the arguments based on Article 9 paragraph 2 of the Treaty will only take us, in any case, up to March of next year. The Legation at Amman will no doubt consider what more general arrangements can be made with the Transjordan Government.

I am sending a copy of this letter to Russell Edmonds at the Treasury and am copying the correspondence to Amman.

Yours sincerely,

(Sgd.) Denis Greenhill.

(D.A. Greenhill)

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OUTWARD TELEGRAM

F 14
Encl

Enter

75005/1/31/47

Code

497/497-31
17 JUL 1947

TO PALESTINE (Gen. Sir A. Cunningham)

FROM S. OF S., COLONIES.

Sent 14th July, 1947. 18.15 hrs.

INDEXED

No. 1536

Your savingram No. 426 and your telegram No. 999.

Samakh-Jisr Majmie road diversion.

Following for Gurney from Gutch. Begins.

This matter has been under discussion with Treasury and Foreign Office. It has been suggested that Article 9 of the Trans-Jordan Treaty might be invoked against the closing of the road before the 22nd March 1948 and that in the meantime it might be possible to persuade the Trans-Jordan Government to come to some mutually satisfactory agreement. I seem to recollect that the Trans-Jordan Government have already been strongly pressed by Kirkbride on this point and that they have shown themselves adamant. Could this be confirmed and could Kirkbride be asked to confirm that a further approach would be useless?

2. In the meantime Treasury are being asked to agree to the expenditure subject to confirmation on these points and having regard to the fact that, if there is further delay, the onset of the rains will make it impossible to complete alternative road link by March. Ends.

Copies sent to:-

Foreign Office - Mr. D.A. Greenhill

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